

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

SHANE STANFORD,
Plaintiff,

v.

EDDIE BASS, ET AL.,
Defendants.

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No. 3:06mc0113
Judge Campbell

ORDER

The Court entered an Order on September 29, 2006 directing the plaintiff to correct numerous filing defects associated with his application to proceed *in forma pauperis*. (DE # 2) The plaintiff has failed to respond to the Court's Order. Neither has he contacted the Court in an effort to seek additional time to do so.

The Clerk is directed to open the case. However, process will not issue.

The plaintiff is herewith assessed the civil filing fee of three hundred fifty dollars (\$350.00). See *McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997); see also *In re Alea*, 286 F.3d 378, 382 (6th Cir. 2002) (standing for the proposition that assessing the filing fee when a prisoner-plaintiff wastes the Court's time is not unfair). Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust fund account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial payment, whichever is the greater of:

- (a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust fund account; or
- (b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust fund account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly income, or income credited to the plaintiff's inmate trust fund account for the preceding month, but

only when such monthly income exceeds ten dollars (\$10.00). Such payments shall continue until the filing fee of three hundred fifty dollars (\$350.00) has been paid in full to the Clerk of Court as prescribed by 28 U.S.C. § 1914(a). 28 U.S.C. § 1915(b)(2).


The Clerk is directed to send a copy of this Order to the Sheriff of Giles County to ensure that the custodian of the plaintiff's inmate trust fund account complies with the portion of the PLRA that pertains to the payment of filing fees

This action is DISMISSED for failure to comply with the court's previous Orders and for want of prosecution. *McGore*, 114 F.3d at 605.

Because an appeal from the judgment rendered herein would not be taken in good faith, the plaintiff is NOT certified to pursue an appeal from this judgment *in forma pauperis*. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 444-46 (1962). Nevertheless, should the plaintiff decide to file a notice of appeal, he either must pay the Clerk of Court the full appellate filing fee of four hundred fifty-five dollars (\$455.00), or submit an application to proceed *in forma pauperis* with a certified copy of his inmate trust fund account statement for the six (6) month period preceding the filing of his notice of appeal. 28 U.S.C. §§ 1915(a)(1) and (a)(2); *McGore*, 114 F.3d at 605.

Entry of this Order shall constitute the judgment in this action.

It is so ORDERED


Todd Campbell
United States District Judge